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BEFORE THE ARIZONA CORPORATION COMMISSION
DOCKETED

JIM IRVIN
COMMISSIONER-CHAIRMAN
TONY WEST
COMMISSIONER
CARL J. KUNASEK
COMMISSIONER

MAY 13 1999

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF
UNION PACIFIC RAILROAD COMPANY FOR A
WAIVER OF A.A.C. R14-5-104.

DOCKET NO. RR-03639A-99-0123

DECISION NO. 61710**ORDER**

Open Meeting
May 11 and 12, 1999
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. On February 22, 1999, the Union Pacific Railroad Company ("Railroad") submitted to Docket Control a request for waiver of Rule A.A.C. R14-5-104.B.6.f ("the Rule"). The matter was docketed on March 3, 1999.

2. The Rule requires that the lights to be installed on gate arms at fully improved railroad-highway grade crossings have lenses not less than 7 inches in diameter. The Railroad requested that the Rule be waived to allow 4-inch lenses.

3. The Railroad asserted that all other states in which it operates require 4-inch lenses, and that installing 7-inch lenses for Arizona crossings creates an unnecessary burden on the Railroad and interstate commerce.

4. On April 5, 1999, the Commission's Utilities Division Staff ("Staff") filed a Staff Report, stating that it had no objection to granting the Railroad's request for a waiver.

5. Staff indicated that prior to the major revision of A.A.C. R14-5-101, *et seq.* ("Railroad Safety Rules") in 1992, 4-inch lights were required. The Rule was revised because it was believed that larger lenses would enhance visibility of the gate arms and improve safety.

6. Staff stated that the Railroad Safety Rules are again under revision to become more
tune with new technology in the railroad industry and more compatible with federal railroad safety
standards.

7. Staff claimed that the Rule will be revised to require at least 4-inch diameter lenses,
making the Rule more compatible with rules in other states.

8. Staff indicated that since a change to the Rule as indicated above is anticipated, there
is no objection to granting the Railroad's request for a waiver.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the Railroad and the subject matter of the
application pursuant to Article XV of the Arizona Constitution, A.R.S. §§ 40-336 and 40-337, and
the Railroad Safety Rules.

2. It is in the public safety and interest to authorize the requested waiver.

ORDER

IT IS THEREFORE ORDERED that the application of Union Pacific Railroad Company for
waiver of the requirement of A.A.C. R14-5-104.B.6.f that gate arm lights be 7 inches in diameter
shall be, and is hereby, approved.

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1 IT IS FURTHER ORDERED that the Union Pacific Railroad Company shall be authorized to
2 place gate arm lights with lenses at least 4 inches in diameter at fully improved railroad-highway
3 grade crossings.

4 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

5 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

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8 COMMISSIONER-CHAIRMAN


COMMISSIONER


COMMISSIONER

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11 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive
12 Secretary of the Arizona Corporation Commission, have
13 hereunto set my hand and caused the official seal of the
14 Commission to be affixed at the Capitol, in the City of Phoenix,
15 this 13th day of May, 1999.


16 BRIAN C. McNEIL
17 EXECUTIVE SECRETARY

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DISSENT _____
BMB:bbs

1 SERVICE LIST FOR: UNION PACIFIC RAILROAD COMPANY

2 DOCKET NO. RR-03639A-99-0123

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